



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Richard Christensen,
Department of Transportation

Classification Appeal

CSC Docket No. 2019-359

ISSUED: SEPTEMBER 7, 2018 (SLK)

Richard Christensen appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Transportation is Management and Operations Analyst 1. The appellant seeks a classification of Program Specialist 3, Regulatory Programs.

The record in the present matter establishes that the appellant is permanent in the title Management and Operations Analyst 1. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of a Program Specialist 3, Regulatory Programs. The appellant is assigned to the Division of Operations – Office of the Assistant Commissioner and reports to Charles Maciejunes, Administrative Analyst 4. The appellant does not have supervisory responsibility. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performs. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. Agency Services found that the appellant primarily oversees the expansion of certain Statewide programs, performs on-site inspection of programs, develops performance standards and conducts analysis of programs, makes recommendations regarding federal and State directives, conducts interviews for temporary employees, evaluates the work performance of Sergeants, Correction Officers, Inmates and Parolees and prepares disciplinary actions for corrective measures in the Parolee Program. Based on these duties, Agency Services determined the position should be classified as a Management and Operations Analyst 1.

On appeal to the Civil Service Commission (Commission), the appellant presents that this agency has not updated the job specification on its website to reflect that incumbents serving in the “R” employee relations group (“R” ERG) must be primary supervisors. The appellant complains that the appointing authority does not use performance evaluations for temporary employees and the programs that he oversees. The appellant argues that his evaluating, hiring, firing, and assignment of work for the programs that he oversees should be considered supervisory duties. Finally, the appellant highlights that under the “Special Note” for the job specification for the requested title it states that incumbents “may supervise staff engaged in program activities” and does not state that the signing of subordinate staff’s performance evaluations is mandatory to be considered a supervisor.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for the title Management and Operations Analyst 1 states:

Under supervision of a supervisory official in a state department or agency, as directed reviews and analyzes departmental administration, objectives, efficiency and effectiveness, and supervises programs and activities as assigned; does other related duties as required.

The definition section of the job specification for the title Program Specialist 3, Regulatory Programs states:

Under the direction of a Program Specialist 4, Regulatory Programs, or other supervisory officer in a State department or agency, directly supervises professional and/or technical staff engaged in program activities, or performs the more complex and sensitive professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and/or evaluation of regulatory programs designed to ensure public safety, health and welfare, and/or to protect the environment; prepares and signs official performance evaluations for subordinate staff; does related work as required.

In the instant matter, it is clear that the appellant’s position is properly classified as a Management and Operations Analyst 1. Initially, it is noted that

while the “Special Note” for the jobs specification for Program Specialist 3, Regulatory Programs states that employees “may supervise staff engaged in program activities,” the job specification definition for this title clearly indicates that an incumbent “signs official performance evaluations for subordinate staff.” Further, the Program Specialist 3, Regulatory Programs title is in the “R” ERG and the Commission has issued numerous decisions affirming that titles in this employee relations group are used for incumbents performing primary or first level supervision. *See In the Matter of Joseph Seaman* (CSC, decided October 19, 2016); *In the Matter of Susan Sullivan* (CSC, decided October 19, 2016); *In the Matter of Sandra O’Neil* (CSC, decided October 19, 2016); *In the Matter of Marc Barkowski et al.* (CSC, decided October 19, 2016); *In the Matter of Joshua Brown, et al* (CSC, decided November 18, 2015) *aff’d on reconsideration* (CSC, decided October 19, 2016); *In the Matter of Art Eng* (CSC, decided November 18, 2015); *In the Matter of Dana Basile, et al.* (CSC, decided November 5, 2015) and *In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015). Moreover, the Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001). Further, actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). Performance evaluation authority is a reasonable standard because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing, and disciplining of subordinate employees. Simply stated, the actual authority and exercise of performance evaluation of subordinate staff is what makes a supervisor a supervisor. Performance evaluation of subordinates, and its myriad of potential consequences to the organization, is the key function of a supervisor which distinguishes him or her from a “lead worker.” *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Additionally, classifying an employee in a title in the “R” ERG without performance evaluation responsibility for staff members could create a conflict of interest between incumbents in the title who do not supervise subordinate staff and those in the same title who are required to supervise subordinate staff. *See In the Matter of Elizabeth Hartmann and Damian Ward* (CSC, decided November 23, 2016).

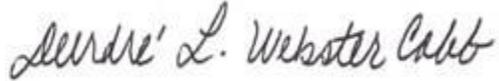
A thorough review of the information presented in the record establishes that the appellant’s position is properly classified as Management and Operations Analyst 1 and he has not presented a sufficient basis to establish that his position is improperly classified.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Richard Christensen is properly classified as a Management and Operations Analyst 1.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5th DAY OF SEPTEMBER, 2018



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